

CHAPTER 14 WATER WORKS

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			<p>14-01. Water Works, Commissioner of Public Works in Charge. From and after the first day of Jan., A.D. 1875, or whenever before that time, the board of water commissioners of said city shall, by resolution, surrender the water works and property now in their charge, to the city, and the common council shall consent to accept the same, all the powers, duties, and functions of the board of water commissioners of the city of Milwaukee, and of the engineer and assistants, the treasurer and secretary, and all other officers, agents, employes and servants appointed and employed by said board, shall cease and determine; and said board and its officers, agents, employes and servants, shall, on that day, or at the time of such surrender and acceptance, deliver the possession of the water works and of all property pertaining thereto, and of all their records, contracts, transactions, reports, accounts, surveys, maps, plats, estimates, profiles, plans and documents of whatsoever nature, to the commissioner of public works, who shall thereupon assume and have the exclusive charge and superintendence, subject to the direction of the common council, of the water works of said city: provided, that the common council may by resolution extend the time herein limited, to such later date as to them may seem best, and the powers, duties, and functions of said water commissioners, and of their appointees and employes, shall continue till the expiration of the time so extended. (S. 1, Subch. 10, Ch. 184, L. 1874.)</p> <p>14-02. Commissioner of Public Works to Supply Water. It shall be the duty of said commissioner of public works to examine and consider all matters relative to supplying the</p>

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city of Milwaukee with a sufficient quantity of pure and wholesome water to be taken from Lake Michigan, for the use of its inhabitants. (S. 2, *Subch. 10, Ch. 184, L. 1874.*)

14-03. Commissioner of Public Works to Construct Hydrants and Lay Water Pipes. The said commissioner shall have power to construct jets and fire hydrants for public use, and fountains at such places in the said city as the said commissioner, with the approval of the common council, shall determine, and also to lay water pipes in and through all the alleys, streets and public grounds in the said city, and generally to do all such work as may be found necessary or convenient, from time to time, for the purposes of this chapter. (S. 3, *Subch. 10, Ch. 184, L. 1874.*)

14-04. Commissioner of Public Works Authority to Enter on Land, to Acquire Property for Water Works. The said commissioner shall have power, by himself, his officers, agents and servants, to enter upon any land or water in the said city for the purpose of making examinations or surveys in the performance of his duties under this chapter, without liability therefor; and said commissioner shall have power with the approval of the common council to purchase and acquire for the said city all real and personal property which may be necessary for the construction of the works hereby provided for. (S. 4, *Subch. 10, Ch. 184, L. 1874.*)

14-05. Power of Eminent Domain. Whenever any real estate, or any easement therein or use thereof, shall, in the judgement of said commissioner, be necessary for the construction of the said works, and for any cause an agreement for the purchase thereof cannot be made with the owner thereof, he shall report the same to the common council; and thereupon the said common council shall proceed to take such real estate, easement or use, as provided in chapter six of this act [Subch. 6, Ch. 184, L. 1874], in the case of taking lands for public squares, grounds, streets and alleys, except that no petition or bond shall be necessary; but all the other provisions of the said ch. VI of ch. 184 above shall apply to the taking of such real estate, easement or use, for the construction of such works, so far as the same may be applicable. (S. 5, *Subch. 10, Ch. 184, L. 1874.*)

14-06. Water Works Property Belongs to City. All property, real, personal and mixed, acquired for the construction of said water works - and all plans, specifications, diagrams, papers, books and records connected therewith, - and the said water works and all buildings, machinery and fixtures appertaining thereto, shall be the property of the said city of Milwaukee. (S. 6, *Subch. 10, Ch. 184, L. 1874.*)

14-07. Water Fund. There is hereby created for the said city a separate fund, to be called the water fund. There shall belong to such fund all bonds and proceeds thereof, authorized by law to be issued for the construction of the said water works, all proceeds of all taxes levied for the construction of the said water works, all water rates assessed and collected for water proceeding from such water works, and all other proceeds, revenue and income of said water works, - and all other moneys and property in any way derived by the said city in aid of the said water works, or appropriated by the said common council towards the same; and the said fund is hereby exclusively devoted and appropriated to the construction and maintenance of the said water works - and to the payment of said water bonds, until the said works shall be wholly completed and the said bonds wholly paid. Said water fund shall be kept in the city treasury in the custody of the city treasurer, and shall be disbursed by him on vouchers drawn for the same in the manner provided in this act; and said city treasurer and the sureties on his official bond shall be liable for the safe keeping and disbursement thereof. It shall be the duty of the treasurer of said board of water commissioner to submit his account of the water funds in his hands on the first day of January, 1875, or at such time as the water works shall be surrendered as provided in Section One of Chapter X, [s. 14.01], and to settle and adjust such accounts with the city comptroller, and to pay over any balance remaining in his hands on that day to the city treasurer, to the credit of the water fund. (S. 7, *Subch. 10, Ch. 184, L. 1874.*)

14-08. Surplus Earnings. 1. The common council of any city of the first class, whether operating under a general or special charter, owning and operating a water plant or system

may by resolution duly passed appropriate the surplus earnings of water works, plant or systems to the general fund, provided, however, that in case there is a bonded indebtedness against said water works, plant or system, then and in that case not any of such surplus earnings shall be appropriated and used as above stated, unless there is on hand a sufficient sum of money to pay two years installment on principal and interest. Provided, that the amount of surplus earnings of such waterworks so apportioned, shall not exceed the amount such city shall have raised by general taxation and expended in the construction of such waterworks system, or in payment of bonds issued for the construction thereof, with interest thereon from the time such money was so expended or paid at the then current rates of interest or at the rate of interest such bonds shall have borne.

2. Whenever the surplus water fund of any such city is sufficient or shall exceed the sum required to pay two years installment on principal and interest of its bonded indebtedness, then and in that case the common council in any city may by resolution or ordinance exempt the various city departments, public schools, parks and fountains of such city from paying water rates. (S. 1 and 2, Ch. 469, L. 1905.)

14-09. Use of Water Funds. Cities of the first class, whether operating under general or special charter, are hereby authorized and empowered to use any funds derived from its water plant over and above such as are necessary to meet operation, maintenance, depreciation, interest and sinking funds, new construction or equipment or other indebtedness, for purposes of sewerage construction work other than such as is chargeable against abutting property; or they may turn such funds into the general city fund to be used for general city purposes, or may place such funds in a special fund to be used for special municipal purposes. (S. 1, Ch. 390, L. 1913.)

14-10. Water Fund, Quarterly Reports. It shall be the duty of the said commissioner of public works to report to the common council once in three months, all his doings under this chapter,

and the state of the said water fund and the general condition of the said water works; and such reports, after being submitted to the common council, shall be filed in the office of the comptroller of the said city. (S. 8, Subch. 10, Ch. 184, L. 1874.)

14-11. Financial Records. It shall be the duty of the comptroller of said city to keep separate accounts of all the funds, receipts, and payments on account of said water works, and a separate record of all the contracts made by the said commissioner touching said water works, and of the estimates of the cost of such contracts, and generally to keep separate books for the said water fund and water works, as he is or may be by law required to keep of other property, funds and interests of the said city. (S. 9, Subch. 10, Ch. 184, L. 1874.)

14-12. Water Works Under Control of Commissioner of Public Works. The said water works, and all the grounds, buildings, fixtures, machinery and other things appertaining thereto, shall be under the control of the said commissioner, who shall have the power to regulate and control and have a general supervision over the same, subject to the authority of the said common council. (S. 10, Subch. 10, Ch. 184, L. 1874.)

14-13. By-laws, Rules and Regulations. The said commissioner shall have power, from time to time, to make and enforce by-laws, rules and regulations in relation to the said water works, and, before the actual introduction of water, he shall make bylaws, rules and regulations, fixing uniform water rates to be paid for the use of water furnished by the said water works, and fixing the manner of distributing and supplying water for use or consumption, and for withholding or shutting off the same for cause, and he shall have power, from time to time, to alter, modify or repeal such by-laws, rules and regulations; provided, however, that no such by-law, rule or regulation, and no alteration, modification or repeal thereof, shall have any force until submitted to and approved by the said common council. (S. 11, Subch. 10, Ch. 184, L. 1874.)

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14-14. Water Rates; Collection. 1. For the collection of water rates on and after Jan. 1, 1960, the city of Milwaukee shall be divided into 3 districts to be known as the 1st, 2nd, and 3rd districts.

2. The boundary lines of the districts shall be determined by the superintendent of water works and may be changed by him at his discretion and at such times as may be deemed expedient and to serve the best interests of the department.

3. All water rates in the 1st district shall be due and payable on the 1st days of January, April, July and October in each year for the 3 months preceding such days.

4. All water rates in the 2nd district shall be due and payable on the 1st days of February, May, August and November in each year for the 3 months preceding such days.

5. All water rates in the 3rd district shall be due and payable on the 1st days of March, June, September and December for the 3 months preceding such days.

6. Whenever the public service commission of Wisconsin shall either increase or decrease water rates or other charges, the billing period provided in this section shall be used as a basis for applying such increase or decrease as the case may be, but it shall be done in this manner:

a. The 1st regular billings following the filing of the new rate with the commission are to be computed by the use of a rate reflecting 1/3 of the new rate and 2/3 of the old rate.

b. The second regular billings following the filing of the new rate with the commission are to be computed by the use of a rate reflecting 2/3 of the new rate and 1/3 of the old rate.

c. The 3rd and all subsequent regular billings following the filing of the new rate with the commission are to be computed by the use of a rate reflecting 3/3 of the new rate. (*Ch. Ord. 266, File #60-1414, Oct. 18, 1960.*)

14-15. Water, Polluting or Damaging Works, Penalty. Any person who shall willfully pollute or otherwise injure any water supplied by the said water works, in any tunnel, aqueduct, reservoir, pipe or other thing, or shall willfully injure the said water works or any building, machinery or fixtures appertaining thereto, or

shall willfully, and without authority of the said commissioner, impede or derange the flow of water in any tunnel, aqueduct, pipe or other thing belonging to the said water works, or shall willfully and without authority of the said commissioner bore or otherwise cause to leak, any tunnel, aqueduct, reservoir, pipe or other thing used in the said water works for holding, conveying or distributing water, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment, in the discretion of the court. (*S. 13, Subch. 10, Ch. 184, L. 1874.*)

14-16. Ordinances to Protect and Enforce Rules of Commissioner. It shall be the duty of the said common council, and they are hereby empowered, from time to time, to pass such ordinances as may be deemed necessary or expedient to protect said water works and the use thereof, and to enforce the by-laws, rules and regulations of the said commissioner of public works. (*S. 14, Subch. 10, Ch. 184, L. 1874.*)

14-17. Laying Water Pipe; Assessment. The commissioner of public works for the city of Milwaukee, when laying water pipe along a street, alley, or other location in said city, shall estimate the assessment against the several lots, parts of lots or parcels of land which may front or abut on the water pipe, or which may be contiguous to and used in connection with any lot or parcel of land so fronting and abutting, the amounts which the said several lots, parts of lots or parcels of land may, in the judgment of the said commissioner be specially benefited by reason of laying such water pipe, not to exceed, however, the amount prescribed in the next section [s. 14-18]; provided, that no lot parcel of land or part thereof, shall be subjected to the payment of more than one assessment for water pipe laid in the same street, alley, or other location. (*Ch. Ord. 190, File #51-862, Oct. 20, 1953.*)

14-18. Charge for Water Service to Property not Previously Assessed. Before any property located within the city of Milwaukee which abuts a public right-of-way or easement in which there is an existing water main, not

previously assessed against such property, shall be entitled to water service, such property shall be subject to the payment of a water main connection charge equivalent to the amount which would be assessed against such property at the city assessment rate for water mains in effect at the time of application for connection. (*Ch. Ord. 249, File #58-3709-a, Mar. 3, 1959.*)

14-19. Waterpipe, Special Assessment.

1. Every lot which fronts on the line of water pipe shall be assessed pro rata, based on its front foot measurement, according to the estimate of the commissioner of public works, predicated upon the furnishing and laying of a regular minor water pipe and the appurtenances such as hydrants, gate valves and fittings.

2. Said minor pipe shall be not less than 4 nor more than 8 inches in diameter.

3. Every irregular lot, part of lot, or other parcel of land fronting or abutting on said water pipe, and any parcel of land or lot which shall be contiguous to any parcel or lot or part thereof so fronting or abutting, and which in the judgment of the said commissioner is or may be advantageously used in connection therewith, shall be assessed for the furnishing and laying of said water pipe and appurtenances such amount as in the judgment of the said commissioner shall be as nearly as may be in just proportion to the amount assessed for regular lots and as compared with the special benefits derived by each from the said pipes and appurtenances. (*Ch. Ord. 301, File #63-2369-a, Oct. 29, 1963.*)

14-20. Special Assessment When Land Subdivided. Whenever any lot or parcel of land shall be subdivided by sale or contract, or by use or occupation in severalty, whether such subdivision shall occur before or after the assessment of special benefits as herein provided, the said commissioner of public works may, after ascertaining such fact, at any time before the sale of such lot for the non-payment of the assessment, make an equitable apportionment of the benefit tax against such lot or parcel of land among the different subdivisions thereof. (*S. 18, Subch. 10, Ch. 184, L. 1874.*)

14-21. Special Assessment Filed with Comptroller, Appeal. The said commissioner of public works shall file reports of such assessments with the comptroller, who shall record the same in a book to be kept for that purpose, and give notice thereof to the parties interested, by publishing the same for three successive days in the official papers. Any person feeling himself aggrieved by the report of said commissioner, may, within twenty days after the completion of the publication of notice by the comptroller, appeal from such report to the circuit court of Milwaukee county. Such appeal shall be entered and conducted in like manner, and like security for costs shall be required as provided by law in cases of appeals from the decision of the common council of said city to said court, on the returns of assessments of benefits for street improvements. In the making and signing of all reports or returns, under this chapter, by the said commissioner of public works to the comptroller or any other officer of said city, the official signature of the said commissioner shall be sufficient. (*S. 19, Subch. 10, Ch. 184, L. 1874.*)

14-22. Special Assessment Spread on Tax Roll. The tax authorities of the city in making out the tax roll for the said year shall place upon the said tax roll opposite the various properties assessed, as provided for in this chapter, the amounts of the estimated cost of the 6-inch pipe as provided for in s. 14-19 unless there has in the meantime been a successful appeal under s. 14-21, and the amounts so placed upon said tax roll shall be collected in the same manner as other city taxes are collected. The commissioner of public works is required to furnish a duplicate of the report to be made under s. 14-21, to the commissioner of assessments or other assessing authority in said city, and the commissioner of assessments, the commissioner of public works, and the comptroller working together are required to see that the said assessments are placed upon the tax roll as herein provided, and the said sums when collected shall belong to the fund for the construction of water works and shall be credited to said fund on the books of the comptroller and the treasurer of said city.

(*HISTORY: Ch. Ord. 24, File #36579, Nov. 7, 1927.*)

14-22 am. File #951345, Jan. 23, 1996; eff. Apr. 9, 1996.)

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14-23. Water, Use Outside of City Limits. It shall be lawful for the commissioner of public works of the city of Milwaukee, subject to the approval of the common council of said city, to issue a permit to the county of Milwaukee, national home for disabled soldiers, or any other party, to obtain water from the waterworks in the said city for use outside of the limits of said city; and for that purpose to connect any pipe that shall be laid outside of the city limits with any water pipe in said city; provided, however, that no such permit shall be issued until the party making application therefor shall first file with the commissioner of public works a bond in such sum and with such surety as the said commissioner shall approve, conditioned that the said party will obey all rules and regulations that may from time to time be prescribed by the commissioner of public works for the use of such water, that he will pay all charges fixed by said commissioner for the use of such water as measured by a meter to be approved by said commissioner, which charges shall not be less than one-quarter more than that charged to the inhabitants of the city for like use of water; and further, that he will pay the city of Milwaukee all damages whatever that it may sustain, arising in any way out of the manner in which such connection is made or water supplied is used. In case of granting a permit to the county of Milwaukee or to the national home for disabled soldiers, the commissioner of public works may waive the giving of such a bond. Every such permit shall be issued upon the understanding that the city of Milwaukee shall in no event ever be liable for any damage in case of failure to supply water; and it shall be lawful for the said commissioner of public works, at any time to cancel such permit, to cut off the supply of water and break such connection when in their judgment the interests of the city shall require; and in case the party to whom such permit shall have been granted, shall refuse or neglect to obey the rules and regulations prescribed by said commissioner for the use of such water, or in case the common council of the said city shall so direct, it shall be the duty of the said commissioner to do so. (S. 1, Ch. 54, L. 1887.)

14-24. Water Meters Required; Rates. The commissioner of public works, with the approval of the common council, may require

the attaching and connecting of water meters to all service pipes supplying water from the city water works to hydraulic elevators or to manufactories and other places of business where water is used for manufacturing or other purposes, and the commissioner, with the approval of the common council, may prescribe and regulate the kind of water meters to be used in said city and the manner of attaching and connecting the same, and may in like manner make such other rules for the use and control of water meters attached and connected as herein provided as shall be necessary to secure reliable and just measurement of the quantity of water used for any such elevator or manufactory or other business place, and may alter and amend such rules from time to time, as shall be necessary for the purpose named; provided, that all such rules and all amendments and alterations thereof, shall be approved by the common council before the same shall have effect. If the owner or occupant of any premises, where the attaching and connection of a water meter may lawfully be required, shall neglect or fail to attach and connect such water meter, as is required according to the rules of the commissioner, for thirty days after the expiration of the time in which such owner or occupant shall have been notified by said commissioner to attach and connect such meter, said commissioner may cause the water supply by the city to be cut off from the premises, and it shall not be restored except upon such terms and conditions as the commissioner, with the approval of the common council, shall prescribe. The charge for water supplied by the city in all premises where meters are or shall be attached and connected shall be at rates fixed by the commissioner with the approval of the council, and for the quantity indicated by the meter, unless in any case the commissioner shall determine that the quantity indicated by the meter is materially incorrect, and in such case the commissioner shall determine in the best way in his power the quantity used, and such determination shall be conclusive. (S. 1, Ch. 463, L. 1887.)

14-26. Water Service to Adjoining Towns. All cities of the first class, and operating under a special charter granted by the legislature of this state, are hereby authorized and empowered to

construct and extend the sewer and water system into the adjoining towns of such cities; provided, such extensions be made without expense to said cities, and that the rates, to be charged for water to consumers beyond the corporate limits of said city, shall be fixed by the common council of such city upon the recommendation of the commissioner of public works thereof. (S. 1, Ch. 231, L. 1897.)

14-27. Water Services Contract with Other Municipalities. All contracts heretofore made and entered into by any city owning, maintaining, or operating a system of water works with any other city or village in the state, for supplying and furnishing such other village or city with water, are hereby validated and legalized. (S. 1, Ch. 473, L. 1911.)

14-28. Water Mains, Construction Under Public Highways, Stream and Railroads. Any city of the first class in counties in the state having a population of 350,000 or more, shall have the right to extend water mains under public highways or to tunnel and extend them underneath streams, railroads, whether electric or steam, creeks, rivers, streams and culverts crossing public highways within such county, and it then shall restore the surface of such highways to their former condition of usefulness. (S. 1, Ch. 613, L. 1913.)

14-29. Water Main, Payment for Services when Annexation Involved. Whenever the city shall have prepared plans for or authorized the construction of a water main in territory outside of the city limits, having previously authorized the annexation or consolidation of that territory, and such plans of annexation having failed, and said water main subsequently was laid by another incorporated city or village for the purpose of obtaining water from the water works of the city, it is provided that when such territory previously authorized annexed, is later annexed or become part of the city, the said city shall then compensate said incorporated village or city for said mains, less payments, if any made, to said city or village located outside the city of Milwaukee by way of special assessments. (Ch. Ord. 67, File #53348, May 14, 1934.)

14-30. Special Assessment for Water Pipe and Sewer Abutting Unplatted Land Used for Agricultural Purposes. The payments of certain special assessments for water pipes, storm and sanitary sewers are deferred in circumstances set forth in s. 66.605, Wis. Stats., on the following terms and in the following manner:

1. WHEN NOT CONNECTED.

Whenever an assessment has been made for water pipe, storm or sanitary sewer, the due date thereof is extended during such time that no use of the water pipe, storm or sanitary sewer is made in connection with the property abutting or fronting thereon and while the property remains unplatted and is used by the owner for farming or agricultural purposes, on the following terms and in the following manner, but in any event shall be due within 10 years of the levy.

2. FARM AREA. For purposes of this

section it is deemed that property is "used by the owner for farming or agricultural purposes" only when the owner himself or a member of his family is physically using the land for farming or agricultural purposes. If the land is leased or rented out to a tenant who is farming the property, it shall not qualify for deferment.

3. FINANCING OF DEFERRED

PAYMENTS. Expenditures of deferred special assessments for water pipes and sewers shall be financed by internal borrowing from the tax stabilization fund. The budget source for such expenditures shall be the improvements authorized account. The tax stabilization fund shall be reimbursed when the deferred special assessments are paid or extended on the tax roll for collection.

4. AUTHORIZATION. No water pipe,

storm or sanitary sewer shall be laid in any area where the provisions of this deferred payment of an assessment shall apply unless in the first instance a special resolution is adopted by the common council authorizing such laying of water pipe, storm or sanitary sewer pursuant to this section.

5. SPECIAL ASSESSMENTS. The

special assessment levy shall be indicated on each tax roll and each tax bill of the city without reference to the amount, and the amount shall be shown when due.

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6. ACREAGE. Irrespective of other provisions herein the deferral of payments of assessments shall not apply to any singularly owned parcel of land unless the same is either 2-1/2 acres or larger in area or said parcel has 330 or more feet of frontage on such water pipe, storm or sanitary sewer. Whenever any parcel on which a special assessment has been deferred is divided by sale or otherwise into parcels of separate ownership, or platted, or whenever any connection is made to the water pipe, storm or sanitary sewer and such facility used in connection with the property, the assessment shall become due and be placed on the first tax roll following the division or connection.

7. DELINQUENT PAYMENTS. The commissioner of city development shall investigate and advise the commissioner of public works in the first instance and thereafter that the conditions of this section for the deferral of the payment of the assessment do in fact exist. Nothing herein shall preclude or shall prevent the payment in full of the assessment before it is due and no interest shall be added to the assessment from the levy to the date of payment if payment is duly made. Other provisions applicable to delinquent payments of assessment shall apply in like manner to delinquent payments under this section. The assessment shall be considered delinquent if not paid during the current collection period of the tax roll upon which the amount of the assessment was placed.

8. WHEN WORK COMPLETED. In the event any one of the conditions under which the deferral was granted shall cease to exist, the commissioner of city development shall forthwith notify the commissioner of public works and the commissioner of assessments. In the event there is a water connection made, such notification shall be given by the superintendent of water works. In the event connection is made with the storm or sanitary sewers, such notification shall be made by the commissioner of public works to the commissioner of assessments. Thereupon the full amount of assessment will be spread by the commissioner of assessments on the first available tax roll and the assessment will be due and payable with the general taxes during the current collection period of such tax roll.

9. PLATTING OF LAND. In the event land is platted, the plat shall be approved by the city in the manner provided by law, and the city treasurer shall not certify the plat until payment has been made of these special assessments.

(HISTORY: Section 14-30 am Ch. Ord. 297, File #58-2028-b, June 11, 1963.

14-30-3 am Ch. Ord. 470, File #78-1492, Dec. 21, 1978.

14-30-8 am File #951345, Jan. 23, 1996; eff. Apr. 9, 1996.)